

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KENNETH R. MERRITT,

Plaintiff,

V.

JO ANNE B. BARNHART, Commissioner of
Social Security,

Defendant.

CASE NO. C04-5162FDB

ORDER

The Court, having reviewed plaintiff's complaint, the Report and Recommendation of Judge Karen L. Strombom, United States Magistrate Judge, and the remaining record, and there being no objections, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
 - (2) the ALJ erred in his decision as described in the report;
 - (3) the matter is therefore REVERSED and remanded to the Commissioner for further administrative proceedings; and
 - (4) the Clerk is directed to send copies of this Order to plaintiff's counsel, defendant's counsel and Magistrate Judge Karen L. Strombom.

DATED this 28th day of July 2005.

2005.

FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE